

STEPHEN E. TAYLOR (SBN 58452)
STACEY L. WEXLER (SBN 184466)
JAN J. KLOHONATZ (SBN 111718)
TAYLOR & COMPANY LAW OFFICES, INC.
One Ferry Building, Suite 355
San Francisco, California 94111
Telephone: (415) 788-8200
Facsimile: (415) 788-8208
E-mail: staylor@tcolaw.com
E-mail: swexler@tcolaw.com
E-mail: jklohonatz@tcolaw.com

Attorneys for Plaintiffs
GOOGLE INC. and KAI-FU LEE

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

GOOGLE INC. and KAI-FU LEE,

Plaintiffs,

v.

MICROSOFT CORPORATION,

Defendant.

Case No.: CV 05-03095 (RMW)

**DECLARATION OF STACEY L.
WEXLER IN SUPPORT OF REPLY
BY PLAINTIFFS GOOGLE INC.
AND KAI-FU LEE IN SUPPORT
OF MOTION FOR SUMMARY
JUDGMENT**

Date: October 14, 2005
Time: 9:00 a.m.
Place: Courtroom 6

Honorable Ronald M. Whyte

1 I, STACEY L. WEXLER, declare as follows:

2 1. I am an attorney with Taylor & Company Law Offices, Inc., counsel for plaintiffs
3 Google Inc. ("Google") and Kai-Fu Lee ("Dr. Lee") in the above-captioned litigation. I have personal
4 knowledge of the facts set forth in this declaration and, if called upon to do so, I could and would
5 testify competently to all of the matters contained herein. This declaration is submitted in support of
6 the Reply by Plaintiffs Google Inc. and Kai-Fu Lee in Support of Motion for Summary Judgment.

7 2. On or about July 19, 2005, Microsoft filed an action against Google and Dr. Lee in the
8 Superior Court of the State of Washington, in and for King County ("the Washington Action"). The
9 court in the Washington Action held a preliminary injunction hearing on September 6 and 7, 2005. A
10 true and correct copy of excerpted portions of the court reporter's official transcript of the September
11 6, 2005 proceeding is attached to this declaration as Exhibit A.

12 I declare under the penalty of perjury, under the laws of the United States of America, that the
13 foregoing is true and correct. Executed this 30th day of September, 2005.

14
15 /s/ Stacey L. Wexler
16 STACEY L. WEXLER
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action. My business address is Taylor & Company Law Offices, Inc., One Ferry Building, Suite 355, San Francisco, California 94111.

On September 30, 2005, I served a true and correct copy of the document(s) described as:
**DECLARATION OF STACEY L. WEXLER IN SUPPORT OF REPLY BY PLAINTIFFS
GOOGLE INC. AND KAI-FU LEE IN SUPPORT OF MOTION FOR SUMMARY
JUDGMENT** on the following interested parties in this action:

Mr. Michael J. Bettinger
Ms. Lisa Marie Schull
Ms. Rachel R. Davidson
Preston Gates & Ellis LLP
55 Second Street, Suite 1700
San Francisco, CA 94105
Telephone: (415) 882-8200
Facsimile: (415) 882-8220

Counsel for Microsoft Corporation

[] **[BY US MAIL]** I caused the foregoing document(s) to be enclosed in a sealed envelope, with first class postage fully paid, for delivery on the individuals identified above as indicated herein. I am “readily familiar” with the firm’s practice of collection and processing correspondence for mailing and know that, in the ordinary course of Taylor & Company Law Offices, Inc.’s business practice, the document(s) described above would be deposited with the United States Postal Service on that same day at San Francisco, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed to be invalid if the postal cancellation date, or postage meter date, is more than one day after the date of deposit for mailing set forth in this declaration.

[] **[BY FACSIMILE]** I caused the foregoing document(s) to be transmitted by facsimile to the offices of the addressees indicated above at the facsimile numbers listed for each

1 addressee served. Upon completion of said facsimile transmission, the transmitting machine issued
2 a transmission report showing that the transmission was complete and without error.

3 [] **[BY OVERNIGHT DELIVERY]** I caused delivery of the document(s) listed above
4 to be effected by overnight mail, by placing true and correct copies in separate envelopes for each
5 addressee shown above, with the name and address of the person served shown on the envelope, and
6 by sealing the envelope and placing it for collection. Delivery fees were paid or provided for in
7 accordance with the ordinary business practices of Taylor & Company Law Offices, Inc.

8 [X] **[BY PERSONAL SERVICE]** I caused the foregoing document(s) to be served by
9 hand on the above individual(s) as indicated on the "Declaration of Personal Service" attached
10 hereto as Exhibit A. The person who delivered a true and correct copy of such document(s) to the
11 person(s) identified below is identified in Exhibit A attached hereto.

12 I declare under penalty of perjury, under the laws of the United States of America, that the
13 foregoing is true and correct. Executed this 30th day of September, 2005, at San Francisco,
14 California.

15
16 _____
17 /s/ Grace D. Frary
18 Grace D. Frary
19
20
21
22
23
24
25
26
27
28

EXHIBIT A

DECLARATION OF PERSONAL SERVICE

I, the undersigned, declare as follows:

I am a resident of the State of California, over the age of 18 years, and not a party to the within action. My business address is set forth beneath my signature herein. On September 30, 2005, I served the document(s) described as **DECLARATION OF STACEY L. WEXLER IN SUPPORT OF REPLY BY PLAINTIFFS GOOGLE INC. AND KAI-FU LEE IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT** by personally delivering a true and correct copy of the document(s) described above to the person(s) at the address(es) set forth below:

Mr. Michael J. Bettinger
Ms. Lisa Marie Schull
Ms. Rachel R. Davidson
Preston Gates & Ellis LLP
55 Second Street, Suite 1700
San Francisco, CA 94105
Telephone: (415) 882-8200
Facsimile: (415) 882-8220

Counsel for Microsoft Corporation

I declare under penalty of perjury, under the laws of the State of California, that on the date set forth in this declaration I served the document(s) described in this declaration on the person(s) identified above. Executed on this 30th day of September, 2005.

/s/ Evan P. LeBon
Evan P. LeBon